



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,188	07/30/2003	Hiroshi Tokuda	08011.007	9228
<div>7590 Christopher J. Fildes Fildes &amp; Outland, P.C. Suite 2 20916 Mack Avenue Grosse Pointe Woods, MI 48236</div>			<div>EXAMINER BONK, TERESA</div>	
			<div>ART UNIT 3725</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 11/26/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/630,188	<b>Applicant(s)</b> TOKUDA, HIROSHI	
	<b>Examiner</b> Teresa M. Bonk	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 16-23 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 16-22 is/are rejected.
- 7) ☒ Claim(s) 4,6 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 16-19 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuoka et al. (US Patent 6,196,040). Matsuoka et al. discloses a compound press-forming apparatus including an upper die (4) fixed to an elevated-side portion of a press machine that is moved up and down by an elevator, a lower die (1) fixed to a fixed-side portion of the press machine, and working portions formed at respective corresponding portions of the upper and lower dies to conduct press working to a work jointly, comprising: a side-face working apparatus that is disposed at a side of said lower die on the fixed-side portion of the press machine to conduct side-face press working to a side-face portion of the work jointly with the lower die, wherein said side-face working apparatus comprises a rotating base (6) that is supported on the fixed-side portion of the press machine so as to rotate thereon, a reciprocating base (22) that is supported on said rotating base so as to reciprocate thereon, a side-face working portion that is formed at an end portion of said reciprocating base to conduct side-face press working to the side-face portion of the work jointly with said lower die, and reciprocating driving means (references elements 51, 52, 50, 45, 46 ) for moving said reciprocating base with said side-face working portion from an original position, in which said side-face working portion is away from

the work, to a side-face press working position, in which the side-face press working is conducted to the work by said side-face working portion, and said side-face working apparatus is constituted such that it moves to an avoidance position (see Figure 10), in which the side-face working apparatus is not in the way of the upper die going up and down, during said press working by the upper and lower dies, whereas it moves to a working capable position (see Figure 8), in which said side-face press working is capable, after the upper die goes up, during said side-face press working by the side-face working portion and the lower die.

The rotating base is supported on the fixed-side portion of the press machine through a bearing portion (63) so as to rotate thereon, and comprises a driving apparatus (61) that rotates said rotating base and a stopper (90) that is disposed on the fixed-side portion of the press machine and supports said rotating base together with said bearing portion by making a top end thereof contact the rotating base, and said avoidance position of the side-face working apparatus is provided by rotating said rotating base to its inverted position, whereas said working capable position (see Figure 8) of the side-face working apparatus is provided by rotating said rotating base to its laid position (see Figure 9) in which the rotating base is put on said stopper.

With regards to claims 5 and 22, the product-by-process limitations are not given patentable weight since the applicant's elected claims are directed to an apparatus. Furthermore, the cited reference discloses that such a product can be manufactured by the disclosed apparatus, Column 1, lines 50-55.

Also with regards to driving means, Matsuoka et al. discloses that equivalents include an air pressure apparatus, a coil spring, a hydraulic (oil-pressure) apparatus, a link mechanism, a cam or a similar mechanism, Column 6, lines 1-4.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka et al. Matsuoka et al. discloses the invention substantially as claimed except for wherein oil-pressure driving means comprises a piston and an oil pressure controller. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a piston and controller since the Examiner takes Official Notice that upon substituting a mechanical equivalent driving means providing appropriate supporting and surrounding elements would be within the level of ordinary skill in the art.

***Allowable Subject Matter***

3. Claims 4, 6, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-6 and 16-23 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa M. Bonk whose telephone number is (571) 272-1901.

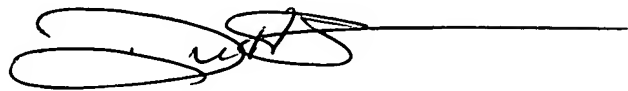
The examiner can normally be reached on M-F 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks Derris can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Teresa M. Bonk  
Examiner  
Art Unit 3725



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700